In the High Court for the States of Punjab and Haryana, at Chandigarh.

FAO No. 1008 of 2007 (O&M)
Decided on March 09,2007.

Employees' State Insurance Corporation and another --- Appellants

vs.

Mauje Lal ---- Respondent.

Present: Mr.Vlkas Suri, Advocate, for the appellants.

Pritam Pal,J: (Oral)

Delay of 57 days in filing and 206 days in re-filing this appeal is condoned for the reasons mentioned in the applications. CMs stand disposed of.

FAO No1008 of 2007

This appeal under Section 82 (2) of the Employees State Insurance Act,1948 (for short 'the Act') , is directed against order dated March 11,2006, passed by learned Civil Judge (Senior Division),Bhiwani, exercising the powers of 'Employees Insurance Court',whereby respondent Mauje Lal, a worker of Technological Institute of Taxtile and Scienes, Bhiwani, has been directed to be medically re-examined by the Board of Doctors of P.G.I.M.S, Rohtak, in respect of his injuries. As per the medical examination conducted by the Medical Board of Indira Gandhi, Zhilmil, ESI Hospital, Shahdra, New Delhi, on November 18,2002, the respondent

had not suffered any disability,whereas the Medical Board of General Hospital, Bhiwani, has assessed his disability to the extent of 10% . Faced with this situation, the Court below has observed as under:-

> "As a result of my findings on the foregoing issues, the present petition succeeds and the same is hereby allowed with costs. The petitioner is directed to approach the Medical Superintendent of P.G.I. M.S. Rohtak, for his re-medical examination, who shall constitute a medical board for re-medical examination of the petitioner (if already not in existence) and the respondents shall abide by the decision of the said Medical Board, in respect of the degree of permanent disability of the petitioner".

There is nothing in the Act, which could prevent the Court from exercising powers of a ' Judge, Employees' Insurance Court', from giving such relief, as mentioned above. Even otherwise, under Section 82 of the Act, no appeal is maintainable, unless it is shown that some substantial question of law arises. Here, in this case, this Court does not find that there is any substantial question of law for consideration by this Court.

Hence, this appeal stands dismissed in *limine.*

March 09,2007 (Pritam Pal)
RR Judge